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Executive Registry

80-1273

7 May 1980

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with NSC Staff re Covert Action

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1. At 1500 Monday, 5 May, [redacted] and I met with Christine Dodson (NSC Staff Secretary) and Don Gregg at the latter's office in OEGB to discuss NSC procedures for handling covert action proposals. (C)

2. Don opened the meeting by asking for a statement of the problem. We made the following points:

- a. That when a Presidential Finding is signed pursuant to a recommendation of the SCC(I), [redacted] not sufficient for Agency purposes. 25X1
- b. That an accurate record of SCC(I) decisions/Presidential understanding of exactly what program was to be implemented under the Finding is also required for several reasons:
 - To ensure that briefings of appropriate Congressional Committees as required by Hughes-Ryan (or any follow-on legislation) are accurate.
 - To provide guidance to those in the Agency charged with implementing the program.
 - To provide an authoritative statement which the Inspector General and the General Counsel can use to monitor the program to ensure no illegalities or improprieties occur.
- c. That the "Memorandum for SCC Members," the Agency proposal prepared for each CA program to be discussed by the SCC(I), was not sufficient for any of these purposes.
- d. That the problem became acute last summer when we stopped receiving the official "Summary of Conclusions" (minutes) of each SCC(I) meeting (and this at the time when the number of such meetings increased).

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e. That this state of affairs was why we had begun writing the "Scope" papers. It was explained that the "Scope" paper, which was the suggested result of a meeting between the DDCI and David Aaron, would be useful in two regards:

- First, it would meet internal Agency requirements.
- Second, it would provide a useful document for both the SCC(I) and the President in understanding just how the Finding (which is written in general language) will be implemented.

25X1

3. Christine then explained the situation as she saw it

a. The problem in our not receiving the minutes arose for two related reasons:

- Many of the SCC(I) meetings to discuss covert action were tacked on to other SCC or PRC meetings and the notetakers failed to distinguish in the minutes this separate meeting.
- Based on the sensitivity of the discussions, the President's notes and the concern for leaks, Brzezinski indicated there be no distribution of the minutes.

b. There was also a problem in that the notetakers varied by meeting subject (originally all SCC(I) meetings had one notetaker).

c. Regarding the Scope papers per se, Christine noted two difficulties regarding their use by the NSC:

- The President always received the minutes of all SCC/PRC meetings, and including a Scope paper would be a confusing addition.
- If the SCC(I) determined that certain aspects of the Scope paper were not to be undertaken, this would necessitate another round of redrafting and coordination before they could be used, and this would complicate the NSC's official record of all meetings. (There was also a passing concern expressed that such a paper might be subject to disclosure, something which could be avoided with NSC minutes.)

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4. As a result of the discussion which ensued it was agreed that the following procedures would be undertaken:

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- a. The Agency would append the Scope paper to the draft Finding which was part of each CA proposal submitted to the SCC(I).
- b. The SCC(I), when making decisions on the proposal, should note which, if any, aspects of the Scope paper are not to be undertaken in implementation of a Finding when signed by the President.
- c. The NSC will undertake to handle records of SCC(I) meetings in the following way:
 - Since the various regional NSC staffers are likely to find themselves, at one time or another, as notetakers at SCC(I) meetings, Christine and Don will undertake to brief them all as to the procedures to be followed (to ensure consistency).
 - When the minutes are prepared (by the NSC notetaker), they will reflect not only key elements of the discussion (including such things as dissenting views and the Attorney General's judgment as to whether a Finding is required), but also the decisions made regarding the Finding (and any changes) and the Scope paper (and any changes).
 - The notetaker will use the Scope paper as a guide when drafting the minutes, incorporating therein the language from the Scope paper reflecting those elements approved/accepted by the SCC(I) members. (Thus meeting both the NSC's desire to avoid sending the President two pieces of paper reflecting results of the SCC(I) and our desire that the language of the Scope paper regarding what the Finding does or does not entail is made clear in the official record.)
 - The NSC will undertake to ensure that we receive a copy of the minutes of any SCC(I) meeting, whether explicitly convened, or tacked on to another meeting.
 - Regarding this latter likelihood, they will instruct all NSC staffers to be alert to any "rump" sessions of otherwise scheduled PRC/SCC meeting where the room is cleared except for certain individuals and covert action or other intelligence matters are discussed.
 - In this event the staffers will be instructed to write the minutes in such a way that this portion (noting attendees, discussion and decisions) can be separated from the rest of the minutes and provided the Agency.

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5. We all left with the understanding that we will have to see how this works out in practice and, if problems continue, we will meet again to resolve them.

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Distribution:

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Don Gregg, NSC Staff

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